

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :24741 of 2003

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Dt:30.08.2005

Between:

Government of A.P., and another

.. Petitioners

and

D.Ramadasu

.. Respondent

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :24741 of 2003

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ORDER: (Per the Hon'ble Smt.Justice T.Meena Kumari)

Assailing the order, dated 27.08.2002, passed in O.A.No.9354 of 2001 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, (for short 'the Tribunal') directing reinstatement of the respondent herein into service, with all consequential benefits, the petitioners filed this writ petition.

The petitioners allege that the respondent, while working at Kodumur Police Station, outraged the modesty of one Smt. B.Venkateswaramma, on 23.10.2000 at about 3.30 hours at R.T.C. bus-stand, Kondumur. In that connection, the respondent was tried in S.C.No. 298 of 2001 for the offence under Section 376(2)(a) IPC and he was in judicial custody for a period of 56 days. Consequently, he was placed under suspension w.e.f. 25.10.2000. As the respondent was found not guilty, he was acquitted of the charge levelled against him. It is further stated that the Sub-Divisional Officer, Atmakur conducted oral enquiry and issued a show cause notice, dated 04.07.2001, to the respondent. Challenging the same, the respondent filed O.A.No.5900 of 2001 before the Tribunal seeking a direction to the petitioners to reinstate him into service. The said O.A. was dismissed through order dated 28.09.2001 holding that there are no grounds to interfere with the said notice. Thereafter, the second petitioner, through his order, dated 02.12.2001, dismissed the respondent from service. Aggrieved thereby, the respondent filed another O.A.No.9354 of 2001 before the Tribunal. The said O.A. was allowed and the order dated 02.12.2001 was set aside. The petitioners are directed to reinstate the respondent into service.

Heard the learned Government Pleader for Services I and also the learned counsel for the respondent.

The grievance of the petitioners is that as the victim Smt B.Venkateswaramma herself stated in the preliminary enquiry, dated 09.02.2001, that the respondent committed rape on her, he was found guilty of the charge leveled against him, as such, he is not entitled to reinstatement.

A perusal of the record clearly shows that the victim, who was examined as P.W.1 in S.C.No.289 of 2001, did not support the case of the prosecution. She simply denied the contents of her report. She further made a categorical statement that the respondent did not rape her. After going through the evidence of the witnesses, in particular the evidence of the victim, the Tribunal allowed the O.A., observing that there is no incriminating material against the respondent to connect him with the commission of the offence and that the charge levelled against him was not proved and ordered his reinstatement.

Therefore, in our considered view, there is no illegality or infirmity in the order impugned and hence no interference is warranted.

The writ petition is accordingly dismissed.

(T.MEENA KUMARI,J

Dt:30.08.2005

P.LAKSHMANA REDDY,J)

kdl/ksld